

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 58
PUBLIC HEALTH AND SAFETY

18-5801. USE OF A LIFE JACKET OR FLOTATION DEVICE IN A SWIMMING POOL. No person shall prohibit the use of a life jacket or other flotation device in a swimming pool by an individual who, as evidenced by a statement signed by a licensed physician, suffers from a physical disability or condition which necessitates the use of the life jacket or other flotation device. Any person violating the provisions of this section shall be guilty of a misdemeanor.

[18-5801, added 1987, ch. 37, sec. 1, p. 60.]

18-5803. EXPOSURE OF ANIMAL CARCASSES. Every person who puts the carcass of any dead animal, or the offal of any slaughter pen, corral or butcher shop, into any river, creek, pond, street, alley, public highway or road in common use, or who attempts to destroy the same by fire within one-fourth (1/4) of a mile of any city, town or village, is guilty of a misdemeanor.

[18-5803, added 1972, ch. 336, sec. 1, p. 955.]

18-5804. SLAUGHTER AND SALE OF FAMISHED ANIMALS. Every person who slaughters, offers or exposes for sale to the public any animal or animals that have been confined for forty-eight (48) hours or more without proper food, or twenty (20) hours without water, is guilty of a misdemeanor.

[18-5804, added 1972, ch. 336, sec. 1, p. 955.]

18-5807. LEAVING CARCASSES NEAR HIGHWAYS, DWELLINGS AND STREAMS, AND POLLUTION OF WATER USED FOR DOMESTIC PURPOSES. Any person who shall knowingly leave the carcass of any animal within a quarter of a mile of any inhabited dwelling, or on, along or within a quarter of a mile of any public highway or stream of water, for a longer period than twenty-four hours, without burying the same, and by such exposure or burial within 200 feet of any stream, canal, ditch, flume, or other irrigation works shall pollute or contaminate, so as to render unfit for domestic use, any natural stream of water, or the water in any canal, ditch, flume, or other irrigation works, used by others for domestic purposes, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum not to exceed \$100.00.

[18-5807, added 1972, ch. 336, sec. 1, p. 846.]

18-5808. PERMITTING MISCHIEVOUS ANIMAL AT LARGE. If the owner of a mischievous animal, knowing its propensities, wilfully suffers it to go at large, or keeps it without ordinary care, and such animal, while so at large, or while not kept with ordinary care, kills any human being who has taken all the precautions which circumstances permitted, or which a reasonable person would ordinarily take in the same situation, is guilty of a felony.

[I.C., sec. 18-5808, as added by 1972, ch. 336, sec. 1, p. 956.]

18-5810. BLIND PERSONS ONLY MAY USE WHITE OR RED AND WHITE CANES. No person, except those wholly or partially blind, shall carry or use on any street, highway, or in any other public place a cane or walking stick which is white in color, or white tipped with red.

[18-5810, added 1972, ch. 336, sec. 1, p. 956.]

18-5811. ACTION REQUIRED TO AVOID ACCIDENT OR INJURY TO INDIVIDUALS WITH DISABILITIES -- PROHIBITED INTENTIONAL ACTIONS -- PENALTIES. (1) Any person, whether a pedestrian, operating a vehicle or otherwise, who approaches an individual appearing to be an individual with a disability or lawfully using an assistance device or a service dog, and who:

(a) Intentionally fails to stop, change course, speak, or take such other action as is necessary to avoid any accident or injury to the individual with a disability, the assistance device, or the service dog is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or by both.

(b) Intentionally startles or frightens such person's service dog is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or by both.

(2) Any person who, without justification, intentionally interferes with the use of a service dog or an assistance device by obstructing, battering, or intimidating the user or the service dog is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand five hundred dollars (\$1,500), or by both.

[18-5811, added 1997, ch. 267, sec. 2, p. 764; am. 2019, ch. 213, sec. 1, p. 645.]

18-5811A. UNLAWFUL USE OF ASSISTANCE DEVICE, ASSISTANCE ANIMAL, OR SERVICE DOG. Any person, not being an individual with a disability or being trained to assist individuals with disabilities, who uses an assistance device, an assistance animal, or a service dog in an attempt to gain treatment or benefits as an individual with a disability is guilty of a misdemeanor.

[18-5811A, added 1997, ch. 267, sec. 3, p. 765; am. 2019, ch. 213, sec. 2, p. 645.]

18-5812. BATTERY TO ASSISTANCE ANIMALS, SERVICE DOGS, AND DOGS-IN-TRAINING -- PENALTIES. (1) Any person who:

(a) Permits any animal that is owned, harbored, or controlled by him to cause injury to or the death of any assistance animal, service dog, or dog-in-training is guilty of a misdemeanor.

(b) Intentionally causes injury to or the death of any assistance animal, service dog, or dog-in-training is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding five thousand dollars (\$5,000), or by both.

(2) In addition to any other criminal or civil penalties provided for violation of this section, any person convicted under this section, regardless of the form of judgment, shall be ordered to make full restitution to

the owner or custodian of such dog for all veterinary bills, replacement, and other costs resulting from the injury or death of the dog.

[18-5812, added 1997, ch. 267, sec. 5, p. 765; am. 2019, ch. 213, sec. 3, p. 645.]

18-5812A. INDIVIDUALS WITH DISABILITIES MAY BE ACCOMPANIED BY SERVICE DOGS -- PENALTY FOR INTENTIONAL VIOLATION. (1) An individual with a disability shall not be denied the use of any common carrier or public transportation facility or admittance to any hotel, motel, cafe, elevator, housing for sale or rent, or any other place of public accommodation within the state of Idaho by reason of his being accompanied by a service dog. An individual with a disability shall be entitled to have a service dog with him in such places and while using such facilities without being required to pay any additional charges for his service dog, but shall be liable for any damage caused by his service dog.

(2) Any person, firm, association, or corporation or agent of any person, firm, association, or corporation intentionally violating the provisions of this section shall be guilty of a misdemeanor.

[18-5812A, added 1972, ch. 336, sec. 1, p. 956; am. 1984, ch. 147, sec. 3, p. 343; am. 1992, ch. 58, sec. 3, p. 169; am. 1997, ch. 267, sec. 6, p. 765; am. 2019, ch. 213, sec. 4, p. 646.]

18-5812B. PERSON MAY BE ACCOMPANIED BY A SERVICE DOG-IN-TRAINING -- LIABILITY. (1) A person shall not be denied the use of any common carrier or public transportation facility or admittance to any hotel, motel, cafe, elevator, or any other place of public accommodation within the state of Idaho by reason of being accompanied by a dog-in-training. Such dog-in-training shall be properly leashed so that the person may maintain control of the dog.

(2) Access to public places for dogs-in-training may be temporarily denied if the dog is poorly groomed so as to create a health hazard or the person accompanying the dog cannot maintain control of the dog.

(3) The school or organization responsible for the dog-in-training shall be liable for any damages or injuries caused by the dog, and any third-party owner, lessor, or manager of the public property shall in no way suffer liability for damages or injuries caused by the dog-in-training.

(4) The dog-in-training shall be visually identified as a dog-in-training as provided in section [56-701A](#), Idaho Code.

[18-5812B, added 1983, ch. 75, sec. 1, p. 162; am. 1992, ch. 58, sec. 4, p. 170; am. 1994, ch. 159, sec. 1, p. 360; am. 1997, ch. 267, sec. 7, p. 766; am. 2019, ch. 213, sec. 5, p. 646.]

18-5816. ABANDONMENT OF AIRTIGHT CONTAINERS WITHOUT REMOVING DOOR LOCKS PROHIBITED. It shall be unlawful for any person or persons to abandon, or to permit to remain in an abandoned state on his premises or on premises over which he exercises control, within the state of Idaho, any ice box, refrigerator, deep freeze, or similar appliance having a door which fastens automatically and which cannot be opened from the inside, without having first removed the lock or the hinges by which said door is attached to the body of the appliance.

[I.C., sec. 18-5816, as added by 1972, ch. 336, sec. 1, p. 958.]

18-5817. "ABANDON" DEFINED AS LEAVING TO ATTRACT CHILDREN. "Abandon" means leaving unattended and uninclosed such appliance, in such manner and for such time that playing children may be attracted thereto, whether left upon the premises of the owner of the appliance or upon other premises.

[I.C., sec. 18-5817, as added by 1972, ch. 336, sec. 1, p. 958.]

18-5818. VIOLATIONS A MISDEMEANOR. Any violation of this act shall constitute a misdemeanor.

[I.C., sec. 18-5818, as added by 1972, ch. 336, sec. 1, p. 958.]